

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

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|----------------------------|---|-------------------------|
| VICTORIA KAYLYNN MILTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-20-395-KEW |
| |) | |
| COMMISSIONER OF THE SOCIAL |) | |
| SECURITY ADMINISTRATION, |) | |
| |) | |
| Defendant. |) | |

O R D E R

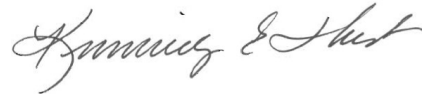
In this action under the Social Security Act, Plaintiff, through her attorney, has moved the Court for an award of attorney fees pursuant to the provisions of the Equal Access to Justice Act ("EAJA"), codified at 28 U.S.C. § 2412(d). In her Motion, Plaintiff seeks an award of EAJA fees in the amount of \$6,921.60. For its response, the Government states that it has no objection to Plaintiff's request for \$6,921.60 in attorney fees.

The Court has reviewed the record in this case, including Plaintiff's Motion, and concurs in the requested award. Accordingly, Plaintiff's Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (Docket Entry #26) is hereby **GRANTED**, and the Government is ordered to pay Plaintiff's attorney fees in the amount of \$6,921.60.

In accordance with the ruling of the Tenth Circuit Court of Appeals, the award shall be made to Plaintiff as the prevailing party and not directly to Plaintiff's counsel. *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007); 28 U.S.C. § 2412(b). In

addition, should Plaintiff's counsel ultimately be awarded attorney fees pursuant to 42 U.S.C. § 406(b)(1), counsel shall refund the smaller amount to Plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 8th day of December, 2021.

A handwritten signature in cursive script, appearing to read "Kimberly E. West", written in black ink.

KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE